

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

QUINTON L. BROWN,

Petitioner,

versus

JOHN B. FOX,

Respondent.

CIVIL ACTION NO. 1:08-CV-316

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Quinton L. Brown, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be denied.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion that the objections are without merit. As petitioner's grounds for review are not based on his having been convicted of a nonexistent offense and are not based on retroactively applicable Supreme Court decisions, *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001), prevents his grounds for review from being asserted in a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered denying this petition for writ of habeas corpus.

SIGNED at Sherman, Texas, this 6th day of August, 2008.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE